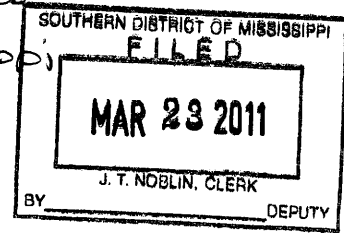


United States District Court
Southern District of Mississippi



DeAndre Davis
Plaintiff

Case No. 4:11cv55CWR-FKB

V.

East Miss Correction Facility (GEO) MDOC
Defendant

Prisoner's Complaint Challenging Conditions
_____ of Confinement _____

1.) The Plaintiff's full legal name, the name which Plaintiff was sentenced, the Plaintiff's inmate identification number, mailing address, and place of confinement.

(A & B) - DeAndre Davis

(C) - L5309

(D) - P.O. Box 5188 / 883 West Street

(E) - Holly Springs, Ms 38625 / 38624

(F) - Marshall County Correctional Facility

2) Plaintiff names the following person(s) as the Defendant(s) in Civil Action.

1) KING Reese

Lt. / Unit Manager

10641 HWY 80 WEST

Meridian, Ms 38107

TRACY Smith

C/OFFICER

10641 HWY 80 WEST

Meridian, Ms 38107

Mr Willy Ruffin

Mr. Bill Ruffen

SARGENT

10641 HWY 80 WEST

Meridian, Ms 38107

Michael Rice

Capt.

10641 HWY 80 WEST

Meridian, Ms 38107

Warden's (Bartholul Geines - Warden Reagan's) 10641 HWY 80
WEST, Meridian, Ms 38107.

M.D.O.C. Commissioner Epps & Deputy Commissioner
El SPARKMAN. JACKSON, MS.

3) I have not commenced other lawsuits in any other court, state
OR Federal, dealing with OR PERTAINING to the same facts that I've
allege in this lawsuit OR otherwise relating to my imprisonment.

4) N/A

5) (Yes) + There's a Prison Grievance Procedure in place of confinement.

6) (Yes) I did present it to the Grievance system the same facts.

7) N/A Yes - They do have a time on filing grievances.

B) Yes - I did file or present my grievance within the time limit;

C) I filed a grievance on March 10th, 2010. which was
Received on March 17th 2010 by the grievance board. I
Also did a A.R.P on the 18th of March. A.R.P # 10-456, Lt.
Keno Reese the hearing officer. My claim's are. 1) Dismissed
R.V.R's ~~to~~ failure to follow M.D.O.C. Disciplinary Policy &
Procedures.

2) Transfer out of E.M.C.F Facility

3) Proximate Damages directly, immediately

4) Punitive Damages in the sum of \$10,000 for violating M.D.O.C.

AND G.E.O. Policy & Procedures be paid by the Officer's

5) Compensatory damages for the lost I had suffered in the sum of \$10,000

6) I request \$10,000 from C/O Smith for false imprisonment.

D) The Response my grievance was given. If the prison provides an Administrative Review of the decision on my grievance, State whether you applied for that review and what was the Results,

"Lt. Keno Reese granted my A.R.P. on 1st step (#10456) I felt it needed to go further to make sure all my claims be covered. Yet my second step was never answered. The R.V.R's were taken out my file. I was never moved behind this A.R.P or grievance. (I was moved 1-26-2011 behind another issue.) I never received any type of compensatory or any other payments which was also granted by the Lt. Keno Reese.

Attach to this Complaint as exhibits complete copies of all requests

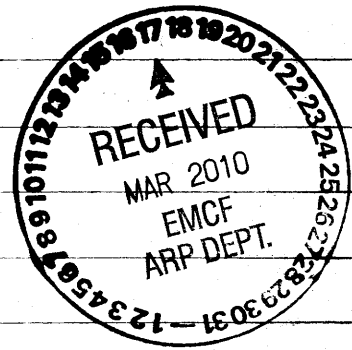
8) N/A

9) Billy Ruffen was the Officer whom packed my property and sign my property slip. On the 25th of Jan 2011 Sgt. Willy Ruffen did a (U.R) that I departed from E.M.C.F without my property. That'll show why some of the papers need I have not have yet asked for assistance from the A.R.P Dept. For copies. I presented my paperwork to Capt. M. Rice on the 16th of June, 2010. He told me he'll lock into it. Yet I never heard from him again. T. Smith was the Officer that had me locked down on false charges.

(Exhibit A)

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To: ~~Office~~ Office of Discipline
 EMCF 10641 Hwy 80 West
 Meridian, Ms



39307
 Fr: DeAndre Davis #25309
 10641 Hwy 80 West
 Meridian, Ms

39307

This is a Request For Administrative
Remedy.

— Statement Of the Case —

On the date of Feb. 18, 2010 I DeAndre Davis #25309, was placed in Segregation for the charges of C1 Rule Violation and B27 both wrote by Tracy Smith C/O. Delivery Officer: Sgt. Ruffin. I never said I didn't want a investigation or hearing. "which is also noted on face of RWR..." They both were requested.

On the 3rd day of March 2010, I was released from Segregation for said Rule Violation, I never had a hearing or investigation done on the illegal charges. Yet these procedures were requested by the Offender upon delivery.

B2074

of said violation report.... All investigation must be done or given if the Offender request it.... Only 2 ways ^{was} not able to give a statement to investigator. Order [4-4234] line 263 states: The accused offender is not available to give a statement; (i.e. Medical Reason, or Away from Facility.) Line 269-270: (Extraordinary Circumstance ^{appears} ~~no writing~~ by the Superintendent/C.C. Director.) Note: Such exceptions will be noted in the completed investigation package. [4-4280] Disciplinary will be recorded and stored up to [Six] months.

I DeAndre Davis LS309, note that I was released on the 3rd day of the 3 Month of 2010. To be housed on 6-B-211 at 6:47 pm by Sgt. Clark and Sgt. Ward. Upon Release of Segregation any Offender with property that was no allowable item's within Segregation must be given back to all offender upon Release..... MDAE Segregation Policy & Procedure E.M.C.F Segregation Manual Policy & Procedures. My property was not given to me. I was told that Sgt. Clark would give me my property on Sat. (The 3rd was Wed.) Lt. Thomas stated "just place Davis back in the cell he came out of tell he get his property."

Shift Changed:

I bring this ARP before the board because because I was denied Due

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Process in Both ways. One.) Disciplinary Policy & Procedures of MDOC and EMCF

B.) I was denied the right to my property and legal ~~work~~ (even to this day.)

(3-10-10)

C.) I was denied this procedures, which is against my rights. [4-4247] Sop [18-01-01]

—Relief Requested—

A.) I am today the 10th day of March, 2010, am requesting that these R.V.R's be dismissed for failure of the E.M.C.F. Disciplinary Department failure to follow MDOC Disciplinary Policy and Procedures, their action would be arbitrary and capricious if I am charged with the R.V.R's at a later date or a disciplinary hearing is had.

B.) I am also requesting behind this illegal action above that EMCF Officials transfer me out of this Facility immediately.

C.) I am requesting Proximate damages directly, immediately, and naturally flowing from the above complaint.

D.) I am requesting Punitive damages in the Sum of 10,000.00 for E.M.C.F. Officials violating

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its own Policy and Procedures as well as
M.D.O.R Policy and Procedures.

2. I am requesting compensatory damages
for the lost I have suffered in the sum
of \$10,000.00,

March 10, 2010
Date

DeAndre Davis #25309
10641 Hwy 80. W
Meridian, Ms
39307

To: E.M.C.F. A.R.P. Dept.

10641 Hwy 80 west

Meridian, MS 38307

RVR# 10-456

Re: DeAndre Davis #LS309

U-5-213 EMCF

Meridian, MS 38307

A Request For Administrative
— Remedy —

I.

On the 2-18-2010, I was placed in
lockdown for allegedly having a
cell phone. On the 3-3-10 I was
released from the hole and was to
be housed in 6B-211. I was
excused to the hallway and asked
for my property. (Was told in prior
A.R.P. which I ~~filled~~ 3-10-10.)

On the 3-12-2010, I received a

disciplinary hearing by Lt. Reese, whom I told that this RVR was released on. It was not so good according to law. I was found guilty with no evidence, out of time, due process of MD.O.C. SOP 18-01-01, ACA STANDARDS 4-226 then 4-4243, 4-4-ACRS-6C-04. He recommended isolation 20 days time served, 3-12-2010.

"Ground's for Dismissal"

A) The Rule Violation Report is not written in compliance with the M.D. O.C. Disciplinary Procedures No. 18-01-01, (See RVR, Attached.) On the 2-18-10 I was wrote up on 2-18-210 by Officer Tracy Smith title S.O. PR NO FONE at 1100 HE Evidence — Yes — NO - Located —

It was not marked yes or no, nor was the location known. I was placed in segregation on the 2-18-2010. Yet it state on RVR I was location in H-1 Dpd not placed in Segregation P.D.A. I asked

for investigation, and witness Capt. Smith... I didn't get a investigation nor was witness statement read at hearing. [4-4234, 4-4241, 4-4240, 4-4242, 4-4237, 4-4245] All were violated to the accused.

Lt. D. Reese was D.H.O. for hearing on 3-12-2010. This is 22 days after incident. Reason last more than 7 working days was explained as: "DHO off premises". OK, Lt. D. Reese heard other offender's on prior dates. Which offender Davis # 25309 has to prove, will prove that D.H.O. Lt. Reese was in fact on Facility grounds and heard / heard hearing after said accused was segregated on 2-18-10 and before hearing on 3-12-10. (Hearing on RVR # 10-324 on the 3-5-2010. Tape # 45.) Note: According to SOP 18-01-01 All hearing are maintained for at least six months [4-4240]. Accused hearing was not tape. The RVR shows that on line Accused's response ✓ Admit. Admit w/ modifications Deny, it.

Michael Accused Admit to Violation. Yet states
Accused's Statement: "NO". I was found guilty.
Reason for finding was based off "Statement
of the Co." This RVR shows that all policy
& Procedures were not followed by M.D.C.
Policy & Disciplinary Procedures 18-01-01.

B) No investigation was received according
to M.D.C. Disciplinary Procedures a
witness was requested, but his statement
was not read at the hearing.

C) The disciplinary hearing was had out
of time, it was not in compliance with
the M.D.C. Disciplinary Procedures 100,
18-01-01

D) All of the above grounds for dismissal
of the RVR for failure of the E.M.C. &
disciplinary department failure to
follow M.D.C. Disciplinary Policy
and Procedure, their action shows
Arbitrary and capricious for charging
me with RVR after being released on
3-3-2010 from segregation without a hearing,
on said RVR # 10-456. [See RVR Attached.]

2

— Relief Requested —

A) I am requesting the RVR be dismissed from offender files.... for the above violations.

B.) I am requesting \$10,000.00 from Officer Smith, for false imprisonment, where she charged me with the false charges and I was placed in Segregation illegally.

C.) I'm also requesting behind these illegal action above, that E.M.C.F. Officer transfer me out of this facility immediate.

March 13, 2010

Date

Defender Davis #LS300

E.M.C.F 10641 HWY 80

Medford, Ms 39307

Mr. Greives told me that he'll personally turn in my second step. I gave it to him yet I haven't heard anything from The Commissioner or Deputy Commissioner. I feel that if M.D.O.C. would've moved me or had any ~~the~~ knowledge that E.M.C.F. and this A.R.P. They should've made sure all my reliefs that was granted up held by G.E.O. Since they fall under M.D.O.C. I filed my 2nd Step 2 the Commissioner. I put it in Warden Greives hands. I never got a respond back. Yet my other A.R.P. are being answered that was filed after this one.

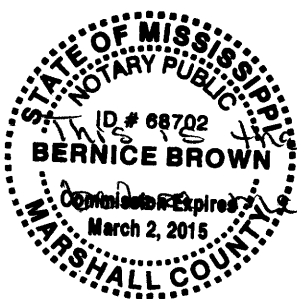
10.) State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I ask this Honorable Court to set the right judgement and for that judgement to be that, E.M.C.F. and M.D.O.C. give me what was granted by E.M.C.F. A.R.P. Board. Nothing more. Nothing less. Do to the fact I'm transferred from E.M.C.F. to M.C.C.F. I'd ask this Honorable Court to see to it that M.D.O.C. Don't transfer me away from M.C.C.F. That E.M.C.F. Pay all court cost and fees.

This complaint was executed at Marshall County Correction Facility and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: 3-15-2011

DeAndre Davis
Plaintiff's



15th day of March
Bernice Brown
Notary Republic

this was sworn